

The Honorable Corey Johnson
Speaker of the New York City Council
City Hall
New York, NY 10027

March 22, 2019

Dear Speaker Johnson:

The undersigned members of the city's press corps rarely pursue the same agenda, let alone make common cause with the elected officials they cover. Government transparency is, however, so essential a feature of a functioning democracy—and so threatened by current city operations—that we believe it demands united action.

For decades, the Freedom of Information Law (FOIL) has been an indispensable tool for reporters, advocates, community groups and individual residents to make government transparent and accountable. Especially important in an era when trust in public institutions is dangerously low, FOIL helps journalists and citizens check the power of city agencies and test the honesty of our elected officials. It has helped to expose problems that the Council and other bodies subsequently moved to solve. We simply cannot live without it.

While not perfect, New York's FOI Law creates an effective framework for exposing city and state government information to public view. Increasingly, however, the execution of the law fails to match its spirit, or even its letter.

City agencies' extensive delays—sometimes of a year or more—in responding to FOIL often render the information useless, effectively shutting the door on accountability. These delays have cascading effects. Not only do they prevent news agencies from providing important information to the public, they also deter news outlets from submitting new requests on different topics of equal importance. In combination with short records-retention timetables for some documents, delays in responding to FOIL effectively put some public records beyond public reach forever, because the records sought might be destroyed by the time the FOIL process reaches them. Furthermore, when FOIL decisions are rendered months or years after the information is relevant, news agencies can rarely justify devoting resources to appealing denials or redactions, permitting harmful and improper precedents to take hold.

We recognize that the New York City press corps is aggressive in using FOIL, creating a steady and voluminous influx of requests. That is to be expected in a city with a growing population and expanding government footprint. Delays are not new to FOIL, but the wait times are growing longer and seem to affect an increasing proportion of FOIL requests.

We acknowledge that the de Blasio administration has taken steps to improve the FOIL system, like the creation of a FOIL tracking tool. However, even as the city's workforce and budget have grown significantly over recent years, the capacity of city agencies' records-access offices has barely budged. According to an [article published last spring](#), some New York City departments have as few as one or two staff members working to process FOIL requests. The lack of staffing belies the city's avowed commitment to transparency.

Now that the consideration of fiscal 2020 budget is underway, we strongly urge the Council to investigate the health of the city's public-records access system and, among other potential remedies,

increase the resources—including staffing—that city agencies devote to the important mission of complying with FOIL.

Sincerely,

Jarrett Murphy, executive editor, City Limits
Micah Morrison, chief investigative reporter, Judicial Watch
David Cruz, editor-in-chief, Norwood News
Ben Max, executive editor, Gotham Gazette
George Bodarky, news director, WFUV
The Deadline Club
The New York Press Club
Sarah Bartlett, dean, Craig Newmark Graduate School of Journalism
Terena Bell, jouranalist
David Brand, managing editor, Queens Daily Eagle
John Doyle, City Island Rising, Inc.
Janon Fisher, jouranalist
Tim Harper, jouranalist
Michael Hinman, editor, The Riverdale Press
Norman Oder, journalist, Atlantic Yards/Pacific Park Report
Juliet Papa, reporter, 1010WINS
Anne Phyllis Pinzow, staff writer, Our Town